IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.495 OF 2006

M/s.Nareesh Kumar Gupta and Co.
Pvt.Ltd.and Anr. ..Petitioners
Vs.
The State of Mah. & Ors. ..Respondents

...
Mr.Devendra B.Shukla and
K.R.Mourya Advocate for Petitioners
Mr.S.V.More A.P.P. for the State
...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : AUGUST 17,2006

P.C.

1. Heard the learned advocate for the petitioners, and the learned A.P.P. for the State.

2. The petitioners-original accused are seeking quashing of proceedings in C.C.No.5074/SS/2005 pending before the learned Metropolitan Magistrate, 7th Court, Dadar, sitting at Small Causes Court, at Mumbai. In the said case, process has been issued against the Petitioners under Section 138 r.w. 141 of Negotiable Instruments Act.

3. For the reasons recorded in my order in the case of **V.K.Jain and others Vs. Pratap V.Padode reported in 2005(3) Mh.L.J. 778,** in my view, it is

clear that the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, it would be appropriate that the petitioners prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioners states that necessary revision will be preferred within a period of five weeks from today.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of said revision on merits after hearing the necessary parties. In the meantime, the proceedings before the trial Court are stayed for a period of five weeks from today.

6. Writ Petition is disposed of.

[V.K.TAHILRAMANI,J.]